

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

APRIL PERKINS

PLAINTIFF

v.

CIVIL NO. 06-5215

MICHAEL J. ASTRUE, Commissioner
Social Security Administration

DEFENDANT

ORDER

Presently before this court is plaintiff's Motion for Reconsideration filed January 16, 2008. (Doc. #19). Plaintiff requests that the Court reconsider its Order dated January 11, 2008, awarding plaintiff's counsel 12.00 hours of compensation for the preparation of her brief. The plaintiff contends that counsel is entitled to the 18.75 hours requested in her Motion for Attorney Fees because the transcript was exceptionally long, consisting of 584 pages, 409 of which were medical records. After due consideration, the Court has concluded that 12.00 hours is reasonable compensation for the preparation of the brief in this case. The transcript in this case is neither above average nor exceptional in length. The average size social security transcript presented to this Court consists of approximately 600 pages, with 700 pages being above average length, and 1200 pages being exceptional in length. Accordingly, the time allocation contained in our Order dated January 11, 2008, shall stand.

We note, however, that counsel requested an hourly rate of \$144.00, which falls below the maximum allowed by this district. Accordingly, we will compensate plaintiff's counsel by increasing her hourly rate of compensation to the maximum allowable.

Accordingly, we find that counsel is entitled to compensation under the EAJA for: 17.26 (28.95-11.69) hours for attorney's fees, at the rate of \$152.00 per hour and \$24.88 in costs for

a total attorney's fee award of \$2648.40. This amount should be paid in addition to, and not out of, any past due benefits which plaintiff may be awarded in the future.

The parties are again reminded that the award herein under the EAJA will be taken into account at such time as a reasonable fee is determined pursuant to 42 U.S.C. § 406, in order to prevent double recovery by counsel for the plaintiff.

IT IS SO ORDERED this 18th day of January 2008.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE